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International Convention
on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Tenth periodic reports of States parties due in 1991

Addendum

AUSTRIA*

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* This report contains the ninth and tenth periodic reports of Austria, due on 8 June 1989 and 8 June 1991 respectively, submitted in one document.

For the seventh and eighth periodic reports submitted by the Government of Austria and the summary records of meetings of the Committee at which those reports were considered, see the following documents:

Seventh periodic report - CERD/C/158/Add.1 (CERD/C/SR.837);
Eighth periodic report - CERD/C/158/Add.1 (CERD/C/SR.837).

Reference material as supplied by the Government of Austria may be consulted by members of the Committee in the files of the Secretariat.

GE.92-15885/4150H

[17 March 1992]

INFORMATION RELATING TO ARTICLES 1 TO 7 OF THE CONVENTION*

Article 1

1. In connection with the ratification of the International Convention on the Elimination of all Forms of Racial Discrimination, a specific constitutional act was passed on 3 July 1973 for enforcing this international convention, which prohibits any form of racial discrimination. Its article I, which contains the substantive provisions of the Act, reads as follows:

> "(1) Any form of racial discrimination - even if it is not already ruled out by Article 7 of the Federal Constitution as revised in 1929 or Article 14 of the Convention on the Protection of Human Rights and Fundamental Freedoms, Federal Law Gazette No. 210/1958 - shall be prohibited. The Legislative and Executive branches shall refrain from any discrimination on the sole grounds of race, colour, descent or national or ethnic origin.
>
> "(2) Paragraph (1) shall not prevent the granting of special rights to Austrian nationals or the imposition of special obligations on them, provided this is not ruled out by Article 14 of the Convention on the Protection of Human Rights and Fundamental Freedoms."

2. As regards enthic minorities in Austria, reference is made to the annexed report. In respect of the Slovenian minority in particular, reference is made to the annex.

Article 2

3. In respect of paragraphs 1 (a) and (b), it must be said that racial discrimination is prohibited under the constitutional act mentioned under article 1 above. All public authorities and public institutions are bound by this prohibition.

4. As regards paragraph 1 (c), it must be noted that there are facilities both at the federal and the state levels that are in charge of examining whether bills comply with the requirements of fundamental rights. In this connection, they must also be examined to determine whether they correspond to the prohibition of racial discrimination.

5. Measures within the meaning of paragraphs 1 (d) and (e) have so far proved unnecessary.

6. As regards the measures referred to in paragraph 2, reference is made to the annexed report on ethnic minorities.

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* Information of a general character, prepared pursuant to the consolidated guidelines for the initial part of the reports of States parties contained in document HRI/1991/1, may be found in document HRI/CORE/1/Add.8.

Article 3

7. In view of the internal changes taking place in South Africa, the Austrian Federal Government in late September 1991 decided to suspend temporarily for one year several sanctions restricting economic and cultural relations with South Africa.

Article 4

8. This provision was discussed in detail in the sixth report (CERD/C/106/Add.12). Since then, the legal situation has not changed.

Article 5

9. In the last report (CERD/C/158/Add.1), the questions concerning article 5 were discussed at length. Again, no legal developments have taken place in this connection.

Article 6

10. The chapter "Legal framework for the protection of human rights" of the core document (HRI/CORE/1/Add.8) deals extensively with legal protection.

Article 7

11. In the third report (CERD/C/19), the situation prevailing in the field of education and schooling was explained. The measures enumerated there have meanwhile been continued.